

United States District Court
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

VENUE: SAN FRANCISCO

Jose

FILED
DEC 17 2009
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

v.

CR 09 1195 JF

RODNEY HATFIELD and
LLOYD MYERS,

RS

~~SEALED BY ORDER
OF COURT~~

DEFENDANT(S).

INDICTMENT

VIOLATIONS: 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud); 18 U.S.C. § 1343 (Wire Fraud); 18 U.S.C. § 981(a)(1)(C) (Criminal Forfeiture); 18 U.S.C. § 982(a)(2) (Criminal Forfeiture); 28 U.S.C. § 2461(c) (Criminal Forfeiture); 21 U.S.C. § 853(p)(1), (a)(2) (Criminal Forfeiture)

A true bill.

Lynne Sengar
Foreman

Filed in open court this 17 day of

December 2009
Daren L. HOPP

KAREN L. HOPP

JOSEPH C. SPERO
UNITED STATES MAGISTRATE JUDGE

Bail, \$ no

DOCUMENT NO.	CSA's INITIALS
<u>1</u>	
DISTRICT COURT CRIMINAL CASE PROCESSING	

*No bail and no warrant
for both defendants*

WJ

1 JOSEPH P. RUSSONIELLO (CSBN 44332)
2 United States Attorney

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6 *E-filing* ~~SEALED BY ORDER~~
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Watsonville, California.

3. At all relevant times, LLOYD MYERS was a "Managing Member" and "Manager" of Landmark and resided in or near Rio Linda, California.

4. RODNEY HATFIELD and LLOYD MYERS organized Landmark for the stated purpose of offering an "ownership interest" in Landmark and using the proceeds generated from investors to engage in trading on the foreign currency exchange markets.

5. At all relevant times, Comerica Bank (“Comerica”) was a financial institution engaged in interstate commerce in the Northern District of California and elsewhere. Landmark maintained an account at Comerica.

6. At all relevant times, Xpresstrade LLC (“Xpresstrade”) was an online commodities brokerage trading service engaged in interstate commerce in the Northern District of California and elsewhere. Landmark maintained an account at Xpresstrade.

7. RODNEY HATFIELD and LLOYD MYERS owed fiduciary, agency and other legal, statutory and contractual duties of trust, loyalty, confidence, and full disclosure to Landmark investors.

The Business of Landmark

8. Landmark classified each of its investors as a “Member.”

9. RODNEY HATFIELD and LLOYD MYERS took investors' money with the promise of pooling the funds into a common trading account under the name and for the benefit of Landmark and its constituent members. A Member's individual ownership interest in Landmark was purportedly based on the amount he or she invested, as a percentage of the total funds invested in Landmark by all investors. RODNEY HATFIELD and LLOYD MYERS advised investors that they would receive profits from the trading gains of the Landmark account, on a pro rata basis.

10. RODNEY HATFIELD and LLOYD MYERS generated a standard document that they provided to investors at the time of the investors' initial and subsequent investments in Landmark, entitled "Landmark Trading Company LLC Member Agreement" ("the Agreement").

11. The Agreement promised investors, among other things, that Landmark “actively trades foreign currency thru [sic] the FOREX CURRENCY exchange. Foreign currency is a high risk investment. All members of Landmark realize that due to the high risk of the trading in foreign currency it is possible to loose [sic] some of the investment in Landmark Trading Company LLC.” The Agreement also provided, among other things, that Landmark would “on a monthly basis report to the members the activities of the LLC,” that the “Members at anytime shall have the right to liquidate their percentage in the LLC by notification in writing of that selection and the LLC shall return the current percentage of the LLC to the Member within 10 working days from receipt of said selection,” that the “Managing Members will comply with all State and Federal regulations and each member is added to the LLC report to the State of California.” and that “each member shall receive a 1099 report as to income from their LLC.”

12. RODNEY HATFIELD and LLOYD MYERS electronically transmitted to investors periodic account statements purporting to reflect recent trading performance as well as the overall value of the Member's investment in Landmark, based on the original investment principal plus the purported gains from trading.

The Scheme to Defraud

13. Beginning on or about October 2003 and continuing through at least on or about December 23, 2008, RODNEY HATFIELD and LLOYD MYERS knowingly devised a material scheme and artifice to defraud investors, and to obtain money and property by means of false and fraudulent pretenses, representations and promises.

14. RODNEY HATFIELD and LLOYD MYERS obtained a total of approximately \$5 million from investors for the stated purpose of trading in foreign currency.

15. In the process, RODNEY HATFIELD and LLOYD MYERS made false statements about Landmark's trading history and performance, failed to invest those funds as promised, failed to report Landmark's trading losses, and converted in excess of approximately half a million dollars of the investors' funds for their own personal benefit.

16. Through written and oral communications, RODNEY HATFIELD and LLOYD MYERS created the false and misleading appearance that Landmark was successfully engaging

1 in trading on the foreign currency exchange market, generating regular, net positive monthly
 2 returns and increasing the overall value of each Member's investment in Landmark. In truth, as
 3 RODNEY HATFIELD and LLOYD MYERS knew, Landmark had suffered significant losses in
 4 its foreign currency exchange trades at Xpresstrade and the value of the Members' investors had,
 5 in fact, declined.

6 17. Specifically, or about July 2005, RODNEY HATFIELD individually advised
 7 Members of their respective balances in Landmark, representations that collectively totaled
 8 approximately \$1,242,000; in reality, RODNEY HATFIELD and LLOYD MYERS had access to
 9 no more than approximately \$538,515. This same pattern continued for the next eighteen
 10 months, as follows:

11 Approximate 12 Date	13 Purported Approximate Value 14 Reported on All Landmark Accounts	15 True Approximate Value of 16 All Landmark Accounts
17 December 2005	18 \$2,040,000.00	19 \$592,211.00
20 March 2006	21 \$1,943,000.00	22 \$141,792.00
23 July 2006	24 \$1,685,000.00	25 \$167,916.00
26 December 2006	27 \$2,029,123.00	28 \$53,210.00
29 February 2007	30 \$2,106,000.00	31 \$115,097.00

32 18. It was a part of the scheme to defraud that, among other conduct, RODNEY
 33 HATFIELD and LLOYD MYERS:

34 (A) deceived investors by sending to them, by electronic mail, account statements,
 35 which lulled investors into a false sense of security by creating the appearance that Landmark
 36 was engaging in successful currency trading and otherwise acting to preserve and increase the
 37 Members' investment monies, when in truth, as RODNEY HATFIELD and LLOYD MYERS
 38 knew, Landmark had consistently negative returns in its trading account with Xpresstrade and the
 39 overall value of the Members' investments had declined, and continued to decline, significantly;

40 (B) deceived investors by promising to obtain permission to invest Members'
 41 funds in real estate, when in truth, as RODNEY HATFIELD and LLOYD MYERS knew,
 42 Landmark diverted hundreds of thousands of dollars of Members' investment funds to real estate

1 ventures controlled by RODNEY HATFIELD and LLOYD MYERS without notice to, or
2 authorization from, Landmark investors;

3 (C) misrepresented to Landmark investors that only a small portion of the
4 Members' investment funds would be engaged in active foreign currency exchange trading and
5 that the vast majority of funds would remain in a bank account for the benefit of Landmark, when
6 in truth, as RODNEY HATFIELD and LLOYD MYERS knew, Landmark traded substantially
7 greater amounts through its Xpresstrade account than it had promised its Members;

8 (D) misrepresented to Landmark investors that Landmark had retained the
9 services of experienced foreign currency exchange traders, when in truth, as RODNEY
10 HATFIELD and LLOYD MYERS knew, Landmark never retained the services of any trader to
11 assist RODNEY HATFIELD and LLOYD MYERS in Landmark's trading activities; and,

12 (E) misrepresented to investors that their money would be invested only in
13 Landmark's bank accounts and in its foreign currency trading account, when in truth, as
14 RODNEY HATFIELD and LLOYD MYERS knew, the defendants had improperly diverted
15 investor funds for their personal use, including speculative real estate schemes.

16 19. As of on or about December 23, 2008, as a result of their fraudulent scheme,
17 RODNEY HATFIELD and LLOYD MYERS had suffered approximately \$1 million in
18 unreported trading losses and diverted in excess of approximately half a million dollars to their
19 personal benefit in order to buy real estate and automobiles and to pay personal expenses.

20
21 COUNT ONE: 18 U.S.C. § 1349 (Conspiracy to Commit Wire Fraud)

22 20. Paragraphs 1 through 19 are realleged as if fully set forth herein.

23 21. From on or about October 2003 through on or about December 23, 2008, in the
24 Northern District of California and elsewhere, the defendants,

25 RODNEY HATFIELD
26 and
27 LLOYD MYERS,

28 did knowingly and intentionally attempt and conspire with other persons known and unknown to
the grand jury to commit an offense against the United States, to wit, wire fraud, in violation of

1 Title 18, United States Code, Section 1343.

2 Object of the Conspiracy

3 22. It was a part and object of the conspiracy that RODNEY HATFIELD
4 and LLOYD MYERS, having devised and intending to devise a material scheme and artifice to
5 defraud, and for obtaining money and property by means of materially false or fraudulent
6 pretenses, representations, and promises, transmitted and caused to be transmitted by means of
7 wire, radio, and television communication in interstate or foreign commerce, writings, signs,
8 signals, pictures, and sounds for the purpose of executing such scheme or artifice, in violation of
9 Title 18, United States Code, Section 1343.

10 Overt Acts of the Conspiracy

11 23. In furtherance of the conspiracy and to effect the illegal object thereof,
12 RODNEY HATFIELD and LLOYD MYERS committed and caused others to commit the
13 following overt acts, among others, in the Northern District of California and elsewhere:

14 (A) On or about March 8, 2005, caused an interstate wire transfer of \$15,000
15 to be made from Landmark's Comerica Account Number ending in 5681 to RODNEY
16 HATFIELD's Comerica Account Number ending in 6382;

17 (B) On or about May 6, 2005, caused an interstate wire transfer of \$15,000 to
18 be made from Landmark's Comerica Account Number ending in 5681 to RODNEY
19 HATFIELD's Comerica Account Number ending in 6382;

20 (C) On or about May 6, 2005, caused a cash withdrawal payable to RODNEY
21 HATFIELD in the amount of \$25,000 to be made from Landmark's Comerica Account Number
22 ending in 5681;

23 (D) On or about July 18, 2005, caused a cash withdrawal payable to RODNEY
24 HATFIELD in the amount of \$17,000 to be made from Landmark's Comerica Account Number
25 ending in 5681;

26 (E) On or about July 19, 2005, caused a cash withdrawal payable to RODNEY
27 HATFIELD in the amount of \$10,000 to be made from Landmark's Comerica Account Number
28 ending in 5681;

1 (F) On or about July 21, 2005, caused a cash withdrawal payable to RODNEY
2 HATFIELD in the amount of \$10,000 to be made from Landmark's Comerica Account Number
3 ending in 5681;

4 (G) On or about October 31, 2005, caused a cash withdrawal payable to
5 RODNEY HATFIELD in the amount of \$100,000 to be made from Landmark's Comerica
6 Account Number ending in 5681;

7 (H) On or about November 7, 2005, caused an interstate wire communication
8 to be transmitted to e-mail account for Investor A, containing Investor A account statement;

9 (I) On or about November 22, 2005, caused an interstate wire transfer of
10 \$224,985.00 to be made from Landmark's Comerica Account Number ending in 5681 to
11 RODNEY HATFIELD's Comerica Account Number ending in 6382;

12 (J) On or about January 3, 2006, caused an interstate wire communication
13 to be transmitted to e-mail account for Investor A, containing Investor A account statement;

14 (K) On or about January 24, 2006, caused an interstate wire transfer of
15 \$30,000.00 to be made from Landmark's Comerica Account Number ending in 5681 to
16 RODNEY HATFIELD's Comerica Account Number ending in 6382;

17 (L) On or about January 30, 2006, caused an interstate wire transfer of
18 \$50,000.00 to be made from Landmark's Comerica Account Number ending in 5681 to
19 RODNEY HATFIELD's Comerica Account Number ending in 6382;

20 (M) On or about February 13, 2006, caused an interstate wire transfer of
21 \$60,000.00 to be made from Landmark's Comerica Account Number ending in 5681 to
22 RODNEY HATFIELD's Comerica Account Number ending in 6382;

23 (N) On or about March 16, 2006, caused an interstate wire transfer of
24 \$20,000.00 to be made from Landmark's Comerica Account Number ending in 5681 to
25 RODNEY HATFIELD's Comerica Account Number ending in 6382;

26 (O) On or about August 15, 2006, caused an interstate wire communication to
27 be transmitted to e-mail account for Investor B, containing Investor B account statement;

28 (P) On or about August 16, 2006, caused an interstate wire transfer of

1 \$24,985.00 to be made from Landmark's Comerica Account Number ending in 5681 to
2 RODNEY HATFIELD's Comerica Account Number ending in 6382;

3 (Q) On or about November 9, 2006, caused an interstate wire communication
4 to be transmitted to e-mail account for Investor B, containing Investor B account statement;

5 (R) On or about December 9, 2006, caused an interstate wire communication
6 to be transmitted to e-mail account for Investor A, containing Investor A account statement;

7 (S) On or about December 22, 2006, caused an interstate wire communication
8 to be transmitted to e-mail account for Investor B, containing Investor B account statement;

9 (T) On or about January 16, 2007, caused an interstate wire communication to
10 be transmitted to e-mail account for Investor A, containing Investor A account statement;

11 (U) On or about January 17, 2007, caused an interstate wire communication to
12 be transmitted to e-mail account for Investor A, containing information relative to Investor A
13 account;

14 (V) On or about February 16, 2007, caused an interstate wire communication
15 to be transmitted to e-mail account for Investor A, containing Investor A account statement; and,

16 (W) On or about February 21, 2007, caused an interstate wire communication
17 to be transmitted to e-mail account for Investor C, containing account information.

18 All in violation of Title 18, United States Code, Section 1349.

19

20 COUNTS TWO THROUGH TEN: 18 U.S.C. § 1343 (Wire Fraud)

21 24. The factual allegations of paragraphs 1 through 23 are realleged as if fully set
22 forth herein.

23 25. On or about the dates set forth below, in the Northern District of California and
24 elsewhere, the defendants,

25 RODNEY HATFIELD
26 and
27 LLOYD MYERS

28 and others known and unknown to the grand jury, having devised and intending to devise a
material scheme and artifice to defraud, and for obtaining money and property by means of

1 materially false or fraudulent pretenses, representations, and promises, transmitted and caused to
 2 be transmitted by means of wire, radio, and television communication in interstate or foreign
 3 commerce, writings, signs, signals, pictures, and sounds for the purpose of executing such
 4 scheme or artifice, in violation of Title 18, United States Code, Section 1343, to wit:

5

6 Count	7 Wire Date	8 Description
9 Two	10 November 7, 2005	11 interstate wire communication to e-mail account for 12 Investor A, containing Investor A account statement
13 Three	14 January 3, 2006	15 interstate wire communication to e-mail account for 16 Investor A, containing Investor A account statement
17 Four	18 August 15, 2006	19 interstate wire communication to e-mail account for 20 Investor B, containing Investor B account statement
Five	November 9, 2006	interstate wire communication to e-mail account for Investor B, containing Investor B account statement
Six	December 9, 2006	interstate wire communication to e-mail account for Investor A, containing Investor A account statement
Seven	December 22, 2006	interstate wire communication to e-mail account for Investor B, containing Investor B account statement
Eight	January 16, 2007	interstate wire communication to e-mail account for Investor A, containing Investor A account statement
Nine	January 17, 2007	interstate wire communication to e-mail account for Investor A, containing information relative to Investor A account
Ten	February 21, 2007	interstate wire communication to e-mail account for Investor C, containing account information

21 All in violation of Title 18, United States Code, Section 1343.

22 ////

23 ////

24 ////

25 ////

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27 ////

28 ////

1 FORFEITURE ALLEGATION: 18 U.S.C. §§ 981(a)(1)(C), 982 (a)(2) and 28
2 U.S.C. § 2461(c) (Criminal Forfeiture)

3 26. The allegations of Counts One through Ten of this Indictment are realleged and
4 by this reference fully incorporated herein for the purpose of alleging forfeiture pursuant to the
5 provisions of 18 U.S.C. §§ 981(a)(1)(C), 982(a)(2) and 28 U.S.C. § 2461(c).

6 27. Upon a conviction of any of the offenses alleged in Counts One through Ten, the
7 defendants,

8 RODNEY HATFIELD
9 and
LLOYD MYERS,

10 shall forfeit to the United States all property, constituting and derived from proceeds traceable to
11 said offenses.

12 SUBSTITUTE ASSETS

13 28. If, as a result of any act or omission of the defendants, any of the property
14 described in the above Forfeiture Allegation

15 a. cannot be located upon the exercise of due diligence;
16 b. has been transferred or sold to or deposited with, a third person;
17 c. has been placed beyond the jurisdiction of the Court;
18 d. has been substantially diminished in value; or
19 e. has been commingled with other property which cannot be divided without
20 difficulty;

21 any and all interest defendants have in any other property, up to value of the property described
22 above, shall be forfeited to the United States pursuant to 21 U.S.C. § 853(p), as incorporated by
23 ////

24 ////

25 ////

26 ////

27 ////

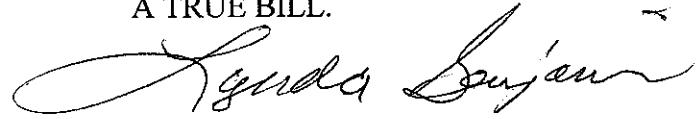
28 ////

1 18 U.S.C. §§ 982(b)(1) and 28 U.S.C. § 2461(c).
2

3 DATED:

A TRUE BILL.

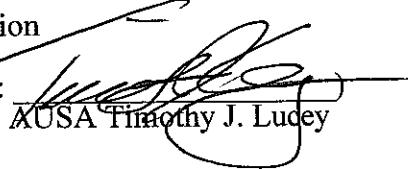
4 December 17, 2009



5 FOREPERSON

6
7 JOSEPH P. RUSSONIELLO
United States Attorney

8
9 
10 BRIAN J. STRETCHER
11 Chief, Criminal Division

12 (Approved as to form: 
13 AUSA Timothy J. Lucey

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DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT SUPERSEDING

OFFENSE CHARGED

VIOLATION:

Count 1: Title 18 USC, Section 1349 - Conspiracy to Commit
Wire Fraud

Counts 2-10: Title 18 USC, Section 1343 - Wire Fraud

PENALTY: Up to 20 years imprisonment; Fine \$250,000; Supervised Release
up to 3 years and \$100 Special Assessment.

E-filing

Petty
 Minor
 Misdemeanor
 Felony

Name of District Court and/or Judge/Magistrate Location

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEC 17 2009

DEFENDANT U.S.

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR09

1195

JF

RS

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

United States Postal Inspector Services

 person is awaiting trial in another Federal or State Court,
give name of court this person/proceeding is transferred from another district
per (circle one) FRCrP 20, 21, or 40. Show District this is a reprocution of
charges previously dismissed
 which were dismissed on motion
of: U.S. ATTORNEY DEFENSESHOW
DOCKET NO. this prosecution relates to a
pending case involving this same
defendantMAGISTRATE
CASE NO. prior proceedings or appearance(s)
before U.S. Magistrate regarding this
defendant were recorded underName and Office of Person
Furnishing Information on this form JOSEPH P. RUSSONIELLO U.S. Attorney Other U.S. AgencyName of Assistant U.S.
Attorney (if assigned)TIMOTHY J. LUCEY

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

 SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

 Arraignment Initial Appearance* Where defendant previously apprehended on complaint, no new summons or
warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments:

X1

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: COMPLAINT INFORMATION INDICTMENT
 SUPERSEDING

OFFENSE CHARGED

VIOLATION:
 Count 1: Title 18 USC, Section 1349 - Conspiracy to Commit
 Wire Fraud
 Counts 2-10: Title 18 USC, Section 1343 - Wire Fraud

Petty
 Minor
 Misdemeanor
 Felony

PENALTY: Up to 20 years imprisonment; Fine \$250,000; Supervised Release up to 3 years and \$100 Special Assessment.

STEALING IS A CRIME
 Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

DEC 17 2009

DEFENDANT - U.S.

→ LLOYD MYERS

RICHARD W. WIEHL
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

DISTRICT COURT NUMBER

CR09

1195

JF

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

United States Postal Inspector Services

person is awaiting trial in another Federal or State Court,
 give name of court

this person/proceeding is transferred from another district
 per (circle one) FRCrp 20, 21, or 40. Show District

this is a reprocution of
 charges previously dismissed
 which were dismissed on motion
 of:

U.S. ATTORNEY DEFENSE

SHOW
DOCKET NO.

this prosecution relates to a
 pending case involving this same
 defendant

prior proceedings or appearance(s)
 before U.S. Magistrate regarding this
 defendant were recorded under

MAGISTRATE
CASE NO.

Name and Office of Person
 Furnishing Information on this form JOSEPH P. RUSSONIELLO

U.S. Attorney Other U.S. Agency

Name of Assistant U.S.
 Attorney (if assigned)

TIMOTHY J. LUCEY

This report amends AO 257 previously submitted

PROCESS:

SUMMONS NO PROCESS* WARRANT

Bail Amount: _____

If Summons, complete following:

Arraignment Initial Appearance

* Where defendant previously apprehended on complaint, no new summons or warrant needed, since Magistrate has scheduled arraignment

Defendant Address:

Date/Time: _____

Before Judge: _____

Comments:

A2